THE HONOURABLE SRI JUSTICE V. ESWARAIAH

-

WRIT PETITION NO.27813 OF 2005

DATED: 28-12-2005

BETWEEN:

Nallapaneni Venkataratnam … Petitioner

And

The District Collector, Ongole,

Prakasam District and five others … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

-

WRIT PETITION NO.27813 OF 2005

ORDER:

The petitioner is a fair price shop dealer in respect of Modepalli Village, Addanki Mandal, Guntur District. The 3rd respondent appointed her as permanent dealer in the year 1996 and the authorization was given to that effect. While so, the 3rd respondent issued show cause notice dated 08-04-2005 by initiating four irregularities against the petitioner and the same was served on her on 19-04-2005 and on the same day, petitioner submitted her explanation. But without giving any opportunity to the petitioner to submit her explanation, the Revenue Divisional Officer on the date of issuance of show cause notice itself, issued suspension orders by suspending her authorization for a period of three months or till the finalization of disciplinary proceedings vide proceedings in RCC/539/2005, dated 08-04-2005.

Questioning the order of suspension made by the Revenue Divisional Officer, dated 08-04-2005, petitioner filed an appeal before the 2nd respondent/Joint Collector, who is the Appellate Authority. The Appellate Authority after considering the grounds of appeal, and after perusing the material, set aside the orders passed by the 3rd respondent and permitted the petitioner to run the fair price shop and to distribute the essential commodities. Against the said order, respondents 5 and 6

have filed a revision before the Collector, who is the Revisional Authority, and the Revisional authority by its order dated 01-12-2005 granted exparte stay of the orders of the Revenue Divisional Officer, dated 08-04-2005 without hearing the petitioner in spite of filing of Caveat petition by the petitioner.

In the instant case, three months period is already over long back and having issued a show cause notice dated 08-04-2005 and having received the explanation of the petitioner on 20-04-2005, I am of the opinion that there cannot be any justification on the part of the 3rd respondent-Revenue Divisional Officer in not passing final orders after conducting enquiry. However, when the petitioner filed an appeal aggrieved by the suspension and when the Appellate Authority after hearing the aggrieved parties and the petitioner, allowed the appeal setting aside the suspension order, the revisional authority ought not to have granted the stay for a period of two months from the date of disposal of the appeal. Pursuant to the orders of the Appellate Authority, petitioner has been supplying the essential commodities to the cardholders without any complaints whatsoever.

Having regard to the facts and circumstances of the case, the stay granted by the District Collector on 01-12-2005 is set aside and the Revisional Authority is directed to consider and dispose of the revision after giving reasonable opportunity to the petitioner as well as to the revision petitioners. But, however, in respect of the pending of the revision petition, the Revenue Divisional Officer, Ongole before whom disciplinary proceedings are pending, is directed to consider the explanation of the petitioner and pass final orders after giving reasonable opportunity to the petitioner pursuant to the show cause notice dated 08-04-2005 within six weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. No costs.

V. ESWARAIAH, J.

Dated: 28-12-2005

Note: Issue C.C. by three days.

B/o

RNS